

Remarks on the Patriot Act Reauthorization- July 21, 2005

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Rule for H.R. 3199, USA Patriot and Terrorism Prevention Reauthorization Act

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Mr. Speaker, permit me first to say this morning that our thoughts and prayers are with our friends in London who today are coping with what seems to be a second terrorist attack in 2 weeks. Thankfully, the casualties appear to be minimal. And my colleagues and I in this House offer our most sincere hope that no one in London will have to suffer this pain again associated with the abominable actions taken 2 weeks ago and unsuccessfully attempted again today.

I would like to thank the gentleman from Georgia (Mr. Gingrey) for yielding me the customary 30 minutes.

Mr. Speaker, I rise today in defense of nothing less than our national security, but national security is not just about protecting our borders. It is also about protecting our freedoms.

All of my colleagues understand that the PATRIOT Act has provided the law enforcement agencies with many valuable tools which facilitate their work in the struggle against terrorism. But with these new tools comes a very real danger that the liberty we seek to protect could be easily compromised in the overzealous pursuit of greater security. This struggle strikes at the heart of the debate over the legislation before us today. And while the restrictive rule we are debating this morning has allowed us to improve the PATRIOT Act in several important ways, the leadership has chosen to prohibit open debate in consideration of the most sensitive, controversial, and important issues that surround this bill.

I would also add that today we are considering the 32nd rule this year that has either been closed or severely restricted. It is ironic that on consideration of a bill which seeks to protect our freedoms, our freedom to debate and amend the legislation has been strictly curtailed, as is too often the case in this body.

Mr. Speaker, when the PATRIOT Act was passed in 2001, 16 provisions were set to expire in 5 years because some of them could possibly be used to violate the very freedoms our young men and women in uniform too often die to protect. These provisions provide the executive branch of this government with unprecedented powers of search, seizure and surveillance, too often without the due process we are guaranteed under our Constitution.

By party line votes, the Republicans on the Committee on Rules at the direction of the leadership refused to allow consideration of critical amendments that address these issues, and there are four particular issues I want to discuss this morning, reforms which Democrats believe are critical.

First, we are not considering a provision to allow people who are not terrorists to challenge the government when the FBI wants to sift through their personal information, including their private medical records. But we should be.

Second is the fact that the important work of the Permanent Select Committee on Intelligence was cast aside by the House leadership. The version of the bill voted out of the committee on a near unanimous vote in that committee included a provision which allowed for a sunset review of the Lone Wolf provision of this bill, which was not included in the final version.

We are also not considering an amendment that would properly restrict the government's ability to come into your home when you are not there and execute a warrant, and even remove property without notifying you until later, if at all, an officially sanctioned breaking and entering if you will. Now, that remains perfectly legal under this bill because the Republican leadership would not allow the amendments to change it.

But perhaps most importantly, we are not even allowed to consider an amendment that would require Congress to do its job and fulfill our responsibility to the American people by going back and taking a look at these laws every few years because the leadership decided that none of them can be considered today by the Congress, even though they deal with the most sensitive and important security and civil liberty issues we face in this country today.

The chairman of the Committee on the Judiciary stated last night in the Committee on Rules that sunset review is not necessary in the future because he and his staff are providing all the oversight needed of the Justice Department, the FBI, and the PATRIOT Act. With all due respect to the esteemed chairman, I do not think that is enough of a safeguard for the American people to accept in this case. After all, we will not have the benefit of his leadership and wisdom forever, and this Congress has a duty to consider and provide for the future. Our ability to ensure the proper oversight and protection of liberty must be larger in scope than the career or judgment of a single individual.

Also, agencies have proven to be more responsive to congressional oversight when a sunset review is looming on the horizon. The chairman has even acknowledged that the Justice Department has been uncooperative in his attempts to conduct the appropriate reviews and oversight of the bill thus far.

We have evidence which suggests, in contrast to information coming out of the Justice Department, that many of these measures have resulted in the violation of the civil liberties of American citizens. In addition, we understand that some of the extended search and seizure powers used by the law enforcement are apparently not being used for their intended purpose, which is strictly to fight terrorism, and that is unacceptable.

Whether this information is true or not, the fact remains that an honest discrepancy exists, and that is reason enough to ensure proper congressional oversight and why we should include sunset provisions in the bill. The Republicans support sunset review for the EPA, it is in the President's 2006 budget, but not for the PATRIOT Act. The idea of these measures was always that they would be temporary, and yet they are seeking to make them last forever.

Mr. Speaker, forever is an awful long time. We would do well to remember that they were passed into law in the frantic weeks after September 11, hastily, without our understanding of their potential impact or benefit, and that is why we created a sunset review in the first place and why we need a sunset review as long as these incredible powers are in place.

Mr. Speaker, I reserve the balance of my time.